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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,818	11/22/2000	Hong Chen	QUK-015.02	1865

7590 05/02/2006

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EXAMINER

TADESSE, YEWEBDAR T

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,818

Applicant(s)

CHEN ET AL.

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-99 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 58-99 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/17/2006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 58-61, 63-79, 95-96 and 99 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 or 12-14 or 35-38 of U.S. Patent No. 6,961, 200 in view of Thomas et al (US 5, 279, 775) and Bouldin et al (US 6,558,774). US'200 discloses a marking system comprising a light source (a laser source generating a single beam of light) and a pattern generator which splits the first beam (a diffractive optical element), wherein array of beam dots are filtered to form a time dependent pattern. US'200 lacks teaching a reel assembly and a controller that controls an intensity of the first beam. Bouldin et al discloses (see Fig 4) a reel assembly (31 and 39) for passing the tape (35). It would have been obvious to

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one of ordinary skill in the art at the time the invention was made to include a reel assembly in US'200 to advance the tape through the processing area. As to the controller controlling the intensity of the first beam, Thomas et al discloses (see Fig 4 and column 8, lines 9-64) a microprocessor (81) controlling the intensity of beam during marking (etching) of the optical servo tracks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a controller that controls an intensity of the first beam in US'200 to modulate to e beam on and off (see column 4, lines 17-28).

3. Claim 62 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 or 12-14 or 35-38 of U.S. Patent No. 6,961, 200 in view of Thomas et al (US 5, 279, 775) and Bouldin et al (US 6,558,774) as applied to claim 58 above, and further in view of Abramson (US 3,610,721). US'200 is silent concerning attenuator attenuating the intensity of the beams. Abramson teaches (see column 3, lines 29-30) attenuator (filters) for the light beams in magnetic hologram. It would have been obvious at the time the invention was made to include (attenuator) filters in US'200 as modified to adjust the intensity of the beam as taught by Abramson.

4. Claims 80-86 and 97-98 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 or 12-14 or 35-38 of U.S. Patent No. 6,961, 200 in view of Thomas et al (US 5, 279, 775) and Bouldin et al (US

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6,558,774) as applied to claim 58 or 95 above, and further in view of Saito et al (US 5,982,592) and Kosarko et al (US 4,833,556).

As to claims 80-82 and 97-98, US'200 is silent concerning a stabilizer including a mechanical stop disposed proximate to the flat surface for interfering with lateral movement of the passing magnetic tape. Saito et al discloses (see Figs 2a and 2b) a recording device having stabilizer (6) and Kosarko et al discloses (see Abstract and Fig 2) a ceramic stabilizer (180 having a flat surface. It would have been obvious at the time the invention was made to include a stabilizer in US'200 as modified to hold appropriate contact state during traveling of the tape (see column 1, lines 27-31). It would have also been obvious to one of ordinary skill in the art to use a ceramic stabilizer in US'200 as modified to minimize the drag experienced in a magnetic interface between the stabilizer and the moving medium as taught by Kosarko et al.

With respect to claims 83-86, US'200 lacks claiming a cleaner for removing debris from the tape. Saito et al discloses (see Figs 13 and 20A) a dust cleaner (20) with cleaner member 21. It would have also been obvious to one of ordinary skill in the art to include a cleaner in US'200 as modified to keep the magnetic clean.

5. Claims 87-94 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 or 12-14 or 35-38 of U.S. Patent No. 6,961, 200 in view of Thomas et al (US 5, 279, 775) and Bouldin et al (US 6,558,774) as applied to claim 58 above, and further in view of Ueyanagi (US 6,396,776). US'200 lacks claiming a verification sensor capable of detecting the servo


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track and wherein the sensor including edge detector. The use of tracking sensor is known in the art for tracking control; for instance Ueyanagi discloses (see column 15, lines 18-38) magnetic sensor 11 verifying recording mark immediately after recording. It would have been obvious at the time the invention was made to include a verification sensor in US'200 to send recorded signal to the controller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YTT